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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DONNA GARCIA,

Plaintiffs,

v.

RESURGENT CAPITAL FINANCIAL
SERVICES, INC., LVNV FUNDING, LLC,
THE BRACHFELD LAW GROUP, P.C.,
et al.,

Defendant(s).

Case No. 11-01253 EMC

**DECLARATION OF RONALD WILCOX IN SUPPORT
OF PLAINTIFF'S MOTION FOR AN ORDER
COMPELLING CORPORATE REPRESENTATIVE
TO APPEAR AND TESTIFY AT TRIAL**

The Honorable Edward Chen

I, RONALD WILCOX, declare,

I am an attorney for plaintiff in this action and I have personal knowledge of each fact
stated in this declaration.

1. On March 23, 2012, Plaintiff first broached the subject of whether Defendants would
produce Torres at trial. Declaration of Ronald Wilcox ("Wilcox Decl."), **Exhibit 1**. Defendants did
not respond to this inquiry until April 11, 2012 and at that time did not give a clear answer but

1 instead stated that there may be a calendar conflict with having their representative present. Wilcox
2 Decl. **Exhibit 2**. Plaintiff's further email of April 11, 2012 went unanswered. Wilcox., Decl.
3 **Exhibit 3**.

4 2. Defendant previously produced Jean Paul Torres as its corporate representative, at
5 depositions pursuant to F.R.C.P. 30(b)(6), and provided testimony on November 9, 2011 and
6 December 13, 2011, in this case regarding Defendant's collection practices and policies, the
7 communications herein, the relationship between Resurgent/LVNV and Brachfeld, among other
8 topics.

9 3. Defendant previously produced Jon Birdt as its corporate representative, at depositions
10 pursuant to F.R.C.P. 30(b)(6), and provided testimony on November 1, 2011 in this case regarding
11 Defendant's collection practices and policies, the communications herein, the relationship between
12 Resurgent/LVNV and Brachfeld, among other topics.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

15
16 DATED: April 18, 2012

17 _____/S/_____
18 Ronald Wilcox
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EXHIBIT 1

From: Ronald WILCOX <ronaldwilcox@me.com>
Subject: Garcia v. LVNV, corporate representative
Date: March 23, 2012 4:52:50 PM PDT
To: David Dalby <ddalby@hinshawlaw.com>
Bcc: Paul Nathan <paulnathan@nathanlawoffices.com>

Hi David,

You had indicated you had to check with your client regarding whether trial could begin May 30, 2012.

Now that your client has agreed to that date I request that your client agree that its corporate representative, Jean Paul Torres, will be produced to testify at trial in Plaintiff's case in chief on May 31, 2012.

Thank you,

Ronald Wilcox
Attorney at Law
1900 The Alameda, Suite 530
San Jose, CA 95126
Tel: (408) 296-0400
Fax: (408) 296-0486
ronaldwilcox@me.com

EXHIBIT 2

From: ddalby@hinshawlaw.com
Subject: Re: Garcia v. Resurgent/LVNV and Brachfeld, trial witness
Date: April 11, 2012 10:47:45 AM PDT
To: Ronald Wilcox <ronaldwilcox@me.com>

Ron,

I do not know at this time.

Among other considerations, Mr. Torres's wife is expecting their first child.

David Ian Dalby
Hinshaw & Culbertson LLP
One California Street, 18th Floor
San Francisco, CA 94111

General 415-362-6000
Mobile 415-250-0910
Fax 415-834-9070

ddalby@hinshawlaw.com

Hi Dave,

Will Resurgent/LVNV's corporate representative, Jean Paul Torres, be produced to testify at trial in Plaintiff's case in chief on May 31, 2012?

Thanks,

Ronald Wilcox

Attorney at Law
1900 The Alameda, Suite 530
San Jose, CA 95126
Tel: (408) 296-0400
Fax: (408) 296-0486
ronaldwilcox@me.com

Ronald Wilcox
<ronaldwilcox@me.com>

To David Dalby <ddalby@hinshawlaw.com>
cc

04/10/2012 02:46 PM

Subject Garcia v. Resurgent/LVNV and Brachfeld, trial witness

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EXHIBIT 3

From: Ronald Wilcox <ronaldwilcox@me.com>
Subject: Re: Garcia v. Resurgent/LVNV and Brachfeld, trial witness
Date: April 11, 2012 11:09:51 AM PDT
To: ddalby@hinshawlaw.com
Bcc: Paul Nathan <paulnathan@nathanlawoffices.com>

Hi Dave,

Can we agree that in the event he cannot physically appear he will appear via Skype video?

Thank you,

Ronald Wilcox
Attorney at Law
1900 The Alameda, Suite 530
San Jose, CA 95126
Tel: (408) 296-0400
Fax: (408) 296-0486
ronaldwilcox@me.com

On Apr 11, 2012, at 10:47 AM, ddalby@hinshawlaw.com wrote:

Ron,

I do not know at this time.

Among other considerations, Mr. Torres's wife is expecting their first child.

David Ian Dalby
Hinshaw & Culbertson LLP

One California Street, 18th Floor
San Francisco, CA 94111

General 415-362-6000
Mobile 415-250-0910
Fax 415-834-9070

ddalby@hinshawlaw.com

Hi Dave,

Will Resurgent/LVNV's corporate representative, Jean Paul Torres, be produced to testify at trial in Plaintiff's case in chief on May 31, 2012?

Thanks,

Ronald Wilcox
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ronaldwilcox@me.com

Ronald Wilcox
<ronaldwilcox@me.com>

04/10/2012 02:46 PM

To David Dalby <ddalby@hinshawlaw.com>

cc

Subject Garcia v. Resurgent/LVNV and Brachfeld, trial witness

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